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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JAMES GINZKEY, RICHARD
10 FITZGERALD, CHARLES CERF, BARRY
11 DONNER, and on behalf of the class members
described below,

12 Plaintiffs,

13 v.

14 NATIONAL SECURITIES CORPORATION,
15 a Washington Corporation,

16 Defendant.
17

Case No.: 2:18-cv-01773-RSM

**STIPULATED MOTION AND ORDER
REVISING SCHEDULING ORDER
REGARDING CLASS
CERTIFICATION**

18 Plaintiffs James Ginzkey, Richard Fitzgerald, Charles Cerf, and Barry Donner
19 (collectively, “Plaintiffs”) and Defendant National Securities Corporation (“Defendant”)
20 (collectively, the “Parties”), by and through their undersigned attorneys, hereby submit this
21 Stipulated Motion to Revise the Scheduling Order Regarding Class Certification in this case.

22 **IT IS HEREBY STIPULATED:**

23 WHEREAS, Plaintiffs filed the Complaint in this action on December 10, 2018
24 (ECF No. 1);

25 WHEREAS, the Court issued an Order on October 7, 2019 on the Parties’ prior Stipulated
26 Motion to Revise the Scheduling Order (ECF No. 35). The Court set a deadline for the Parties to
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1 complete discovery on class certification by February 3, 2020. The Court set a deadline for
2 Plaintiffs to file a motion for class certification by March 2, 2020;

3 WHEREAS, the Parties are conducting discovery on class certification through written
4 discovery requests, document productions, and depositions. In order to respond to discovery
5 requests, Defendants are in the process of reviewing over 140,000 pages of documents and
6 anticipate the need to collect additional documents. The Parties also need to take at least five
7 depositions prior to briefing class certification issues;

8 WHEREAS, given the complexity of the class certification issues, the volume of document
9 discovery to be conducted, and the witnesses' and counsel's availability for depositions, the Parties
10 anticipate that they will require additional time to complete discovery regarding class certification;

11 WHEREAS, should the Court grant the Parties' request to revise the Scheduling Order, the
12 Parties have agreed to conduct the necessary depositions pursuant to the following schedule:

- 13 ▪ Rule 30(b)(6) Deposition of Defendant on February 25, 2020 in New York, NY;
- 14 ▪ Deposition of Plaintiffs James Ginzkey and Richard Fitzgerald on March 2, 2020
15 and March 3, 2020 in Chicago, IL;
- 16 ▪ Deposition of Plaintiff Barry Donner on March 11, 2020, in Orange County, CA;
- 17 ▪ Deposition of Plaintiff Charles Cerf on March 23, 2020 in Washington, DC;

18 WHEREAS, there is good cause to continue the deadlines for class certification discovery
19 and briefing given the amount of time required to conduct all necessary discovery on class
20 certification issues. In particular, the Parties anticipate that they will need approximately 90
21 additional days to collect and exchange documents, prepare for and take depositions, confer on
22 any discovery issues, and make any necessary discovery motions;

23 WHEREAS, the Parties therefore request that the Court revise its Rule 16(b) and Rule
24 23(d) Scheduling Order Regarding Class Certification, and its Order of October 7, 2020, to allow
25 time for the Parties to adequately conduct discovery on and brief the class certification issues;

1 **NOW THEREFORE**, in consideration of the Parties' stipulation and good cause shown,
2 the Parties respectfully request the Court's approval of this Motion and an Order revising the
3 Scheduling Order as follows:

4 Deadline to complete discovery on class 5 certification (not to be construed as a 6 bifurcation of discovery)	May 4, 2020
7 Deadline for Plaintiffs to file motion for class 8 certification (noted on the fourth Friday after 9 filing and service of the motion pursuant to 10 Local Rules W.D. Wash. LCR 7(d)(3) unless the parties agree to different times for filing the response and reply memoranda).	June 4, 2020

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13 DATED: January 14, 2020

14 By: s/ Alexander N. Loftus

15 David P. Neuman, WSBA #48176

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DATED: January 14, 2020

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IT IS SO ORDERED this 15th day of January 2020.



RICARDO S. MARTINEZ

CHIEF UNITED STATES DISTRICT JUDGE